

STATE OF NORTH CAROLINA  
COUNTY OF MECKLENBURG

BY: T. Simmons

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION

**RE: Amendment to the Local Rules Governing  
Non-Binding Court Ordered Arbitration in  
District Court Civil Actions of the 26th Judicial  
District**

**ADMINISTRATIVE ORDER**

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Rule 5 of the North Carolina Rules of Civil Procedure requires that a notice of hearing be served on each attorney of record or unrepresented party in a case. G.S. 1A-1, Rule 5(a). Rule 5 also requires that Notices of Hearing be filed with the court “either before service or within five days after service.” G.S. 1A-1, Rule 5(d). Pursuant to 40(a) of the North Carolina Rules of Civil Procedure and Rule 2 of the North Carolina General Rules of Practice for the Superior and District Courts, the undersigned Chief District Court enters the following administrative order, which amends Rules 2, 3, and 7 of the non-binding court ordered arbitration local rules to comply with the requirements of Rule 5 of the North Carolina Rules of Civil Procedure. The administrative order takes precedent over the non-binding court ordered arbitration local rules. The amended rules read as rewritten:

**LR 2: Administration and Notice of Calendaring to Parties/Attorneys**

**2.1** The Caseflow Management Division in the Trial Court Administrator’s (TCA) Office shall publish an arbitration calendar for each term of court for which cases are scheduled. Arbitration Calendars shall be published approximately 40 days in advance of the first day of each scheduled session.

**2.2** Calendars shall be made available to through the Clerk of Superior Court and online through the North Carolina Judicial Branch’s website at [NCcourts.gov](http://NCcourts.gov). Calendar information can also be searched using the North Carolina Judicial Branch’s eCourts Portal site at <https://portal-nc.tylertech.cloud/Portal/>.

**2.3** The TCA Caseflow Management Division shall send individual notices of hearing and certificates of service to all attorneys and self-represented parties using Local Form AOC-CV-800/801. It is the responsibility of said parties to provide the Clerk of Superior Court with current contact information, including mailing and email addresses.

**LR 3: Continuances of Arbitration Hearings**

**3.1** It shall be the responsibility of counsel and self-represented parties to be aware of cases appearing on arbitration calendars.

**3.2** Motions to Continue the arbitration hearing shall be filed on Local Form CCF-5 to the Clerk of Superior Court no later than three (3) business days prior to the scheduled Arbitration hearing date. The requesting party shall provide copies to the opposing parties once the approved order has been entered.

Continuance requests shall include all the reasons for which the continuance is being sought. Failure of the requesting party to include known pertinent information in the original motion is not grounds for reconsideration or appeal of the ruling made by the ADR Coordinator.

Information regarding whether opposing counsel objects to the Motion or whether the case has been previously continued may be included in a Motion to Continue, but the lack of an objection by opposing counsel/party or the fact that the case has not been continued before shall not alone constitute good cause for the continuance of the arbitration hearing.

**3.3** Opposing counsel or self-represented parties shall be notified of the request for a continuance prior to the filing of the continuance request with the Clerk of Superior Court. Any motion that is received without written certification of such will be automatically denied. Any objections to the proposed continuance request shall be filed with the Clerk of Superior Court on Local Form CCF-6 within two (2) days of the submission of the Motion to Continue. If an objection is not filed within the two days specified, it will be assumed that the opposing party does not object to the request.

**3.4** The ADR Coordinator in the TCA Caseflow Management Division will rule on Motions to Continue upon the expiration of the two-day objection period or sooner if the position of the opposing party is already known. It shall be the responsibility of the moving party to inform all other parties of outcome of the proposed motion, along with the new date and time for the arbitration hearing, if applicable. Once the Motion to Continue has been made, it is the responsibility of the parties to inquire as to the status of outcome of the proposed motion if the information has not been received from the moving party.

**3.5** Appeals of the decision rendered by the ADR Coordinator shall be filed with the Clerk of Superior Court for review by the Chief District Court Judge. Opposing counsel or self-represented parties shall be notified of the appeal prior to filing with the Clerk of Superior Court.

Objections to the appeal shall also be filed, within two (2) days of being notified of the appeal, to the Clerk of Superior Court for review by the Chief District Court Judge. Failure of counsel to follow the established process may result in automatic denial of the motion and/or the imposition of sanctions. The decision of the Chief District Court Judge is final.

**3.6** The motion to continue may not be renewed at the arbitration hearing. The arbitrator does not have authority to grant such motions.

**3.7** Absent exigent circumstances, continuances will not be granted unless for a crucial cause that could not have been reasonably foreseen. The advance notice provided to counsel/parties is deemed as a reasonable and sufficient opportunity to accommodate the majority of conflicts. Personal conflicts such as vacations (see Rule 26 of the General Rules of Practice for the Superior and District Courts), family commitments, and continuing legal education opportunities do not rise to the level of crucial cause that could not have been reasonably foreseen.

**3.8** Continuance requests related to circumstances arising after the three (3) business day deadline shall also be filed with the Clerk of Superior Court. The requirements of LR 3.3 again apply, but the ADR Coordinator will attempt to make contact with opposing counsel if their position is not known and a decision is required prior to the end of the specified two-day period. Once all relevant information has been received and reviewed, the ADR Coordinator will rule on the motion and notify moving counsel, who is then responsible for notifying opposing counsel or self-represented parties. Continuance requests received after the three (3) business day deadline for reasons known before that time will be summarily denied.

**LR 7: Local Requirements related to Arbitration**

**7.1** All motions, orders, forms or any other filing which involves non-binding court ordered arbitration shall be filed with the Clerk of Superior Court.

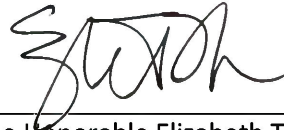
**7.2** Forms improperly filed with the Clerk of Superior Court will not be deemed as validly filed.

**7.3** Notification to opposing parties shall be made by the requesting party once the approved order has been entered.

**7.4** If an opposing party chooses to file a written objection to any motion, the objection shall be served on opposing party or counsel prior to being filed with the Clerk of Superior Court in accordance with LR 3.3.

**1/22/2024 1:08:55 PM**

Entered and effective, this \_\_\_\_\_ the day of January, 2024.



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The Honorable Elizabeth T. Trosch  
Chief District Court Judge